



(Board Name)
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only	
Received:	<div>DEPT OF ECOLOGY Received Date Stamp MAR 25 2013 CENTRAL REGION OFFICE</div>
Reviewed by:	_____
Date Reviewed:	_____

Applicant: Milton F & Geraldine Downs

Application Number: KITT-11-06

This record of decision was made by a majority of the board at an open public meeting of the Kittitas County Water Conservancy Board held on March 19, 2013.

☒ **Approval:** The Kittitas County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on March 19, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

Gregg Hall
Gregg Hall, Chair
Kittitas County Water Conservancy Board

Date: 3/19/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Lenny Morrison
Lenny Morrison, Member
Kittitas County Water Conservancy Board

Date: 3-19-2013
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Chad Bala
Chad Bala, Member
Kittitas County Water Conservancy Board

Date: 3/19/2013
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, and other interested parties on _____.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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(Kittitas County)
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON



Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.

☒ Surface Water ☐ Ground Water

DATE APPLICATION RECEIVED July 19, 2011	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) 00777	WATER RIGHT PRIORITY DATE June 30, 1884	BOARD-ASSIGNED CHANGE APPLICATION NUMBER KITT-11-06
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NAME Milton F. Downs & Geraldine Downs			
ADDRESS (STREET) 3380 Teanaway Rd	(CITY) Cle Elum	(STATE) WA	(ZIP CODE) 98922

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal
☐ Add point of diversion/withdrawal ☐ Change place of use ☐ Other (Temporary, Trust, Interties, etc.) _____

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 0.16	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 52	TYPE OF USE, PERIOD OF USE Irrigation of 8 acres and stockwater May 1 through September 15				
SOURCE Teanaway River			TRIBUTARY OF (IF SURFACE WATER) Yakima River				
AT A POINT LOCATED: PARCEL NO. 204835	¼ SE	¼ SE	SECTION 10	TOWNSHIP N. 20	RANGE 16	WRIA 39	COUNTY. Kittitas
SOURCE Mason Creek			TRIBUTARY OF (IF SURFACE WATER) Teanaway River				
AT A POINT LOCATED: PARCEL NO. 394935	¼ NE	¼ SE	SECTION 14	TOWNSHIP N. 20	RANGE 16	WRIA 39	COUNTY. Kittitas
SOURCE Musser Creek			TRIBUTARY OF (IF SURFACE WATER) Teanaway River				
AT A POINT LOCATED: PARCEL NO. 706336	¼ NE	¼ SW	SECTION 13	TOWNSHIP N. 20	RANGE 16	WRIA 39	COUNTY. Kittitas
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED That portion of the NE1/4 SW1/4 of Section 13, T. 20 N., R. 16 E.W.M., described as follows: Commencing at the west quarter corner of said section; thence east 1050 feet, more or less, to the east right of way of the Teanaway Road and the point of beginning; thence east 500 feet; thence S 35° E 1500 feet; thence S 20° W 300 feet to the east right of way of said road; thence northwest along said right of way 2000 feet, more or less, to the point of beginning.							
PARCEL NO. 274835	1/4 NE	¼ SW	SECTION 13	TOWNSHIP N. 20	RANGE, 16		

ORIGINAL

Proposed Use

MAXIMUM CUB FT/ SECOND 0.16	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 52	TYPE OF USE, PERIOD OF USE Irrigation of 8 acres & stockwater May 1 through September 15				
SOURCE Teanaway River			TRIBUTARY OF (IF SURFACE WATER) Yakima River				
AT A POINT LOCATED: PARCEL NO. 204835	¼ SE	¼ SE	SECTION 10	TOWNSHIP N. 20	RANGE 16	WRIA 39	COUNTY. Kittitas
150 ft north and 800 ft west from the southeast corner of Section 10 being within the SE1/4 SE1/4 of Section 10							
SOURCE Mason Creek			TRIBUTARY OF (IF SURFACE WATER) Teanaway River				
AT A POINT LOCATED: PARCEL NO. No #	¼ SW	¼ NW	SECTION 13	TOWNSHIP N. 20	RANGE 16	WRIA 39	COUNTY. Kittitas
DESCRIPTION OF POINT OF DIVERSION							
North of the Teanaway Road within the Kittitas County Right of Way, being within the SW1/4 NW1/4 Section 13, T. 20 N., R. 16 E.W.M.							
SOURCE Musser Creek			TRIBUTARY OF (IF SURFACE WATER) Teanaway River				
AT A POINT LOCATED: PARCEL NO. 274835	¼ NE	¼ SW	SECTION 13	TOWNSHIP N. 20	RANGE 16	WRIA 39	COUNTY. Kittitas
DESCRIPTION OF POINT OF DIVERSION							
Approximately 630 ft south and 900 ft west of the center of Section 13, being within the NE1/4 SW1/4 of Section 13, T. 20 N., R. 16 E.W.M. but to be relocated as necessary in the future within 200ft in order to respond to creek channel changes over time caused by flooding or other erosion.							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
That portion of the NE1/4 SW1/4 of Section 13, T. 20 N., R. 16 E.W.M., described as follows: Commencing at the west quarter corner of said section; thence east 1050 feet, more or less, to the east right of way of the Teanaway Road and the point of beginning; thence east 500 feet; thence S 35° E 1500 feet; thence S 20° W 300 feet to the east right of way of said road; thence northwest along said right of way 2000 feet, more or less, to the point of beginning.							
PARCEL NO. 274835	1/4 NE	¼ SW	SECTION 13	TOWNSHIP N. 20	RANGE, 16		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND 0.16	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 52	TYPE OF USE, PERIOD OF USE Irrigation of 8 acres & stockwater May 1 through September 15				
SOURCE Teanaway River			TRIBUTARY OF (IF SURFACE WATER) Yakima River				
AT A POINT LOCATED: PARCEL NO. 204835	¼ SE	¼ SE	SECTION 10	TOWNSHIP N. 20	RANGE 16	WRIA 39	COUNTY. Kittitas
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PARCEL NO. 274835	1/4 NE	¼ SW	SECTION 13	TOWNSHIP N. 20	RANGE, 16		

DESCRIPTION OF PROPOSED WORKS

The Downs were confirmed a water right in *Ecology v. Acquavella*, Yakima County Superior Court Cause No. 77-2-01481-5 ("Acquavella") under Court Claim No. 00777 and (A) 05114 to irrigate 8 acres and use water for stock watering purposes. The water is delivered to the property via the 3M Ditch. The 3M Ditch contains water from the Teanaway River, Mason Creek and Musser Creek. The 3M Ditch is an old earthen lined ditch that was constructed in 1884. The 3M Ditch has been severely damaged over the last several years and as a result the Downs desire to change the points of diversion for the Mason and Musser Creek diversions to implement the long range plan of eliminating the use of the 3M Ditch. The Downs are retaining the Point of Diversion for the Teanaway River and moving the Points of Diversions on Mason and Musser Creeks. Even though the 3M Ditch is being deactivated and the Downs do not currently

have access to the Teanaway River they may pursue an easement from a neighboring property in order gain access at a later date and will apply for a POD change for the Teanaway diversion at that time. Mason Creek and Musser Creek intersect with the 3M Ditch. The Downs' Mason Creek water traditionally was diverted into the 3-M Ditch and then conveyed down the 3M Ditch to a pump station near Musser Creek. Because the 3M Ditch will no longer be utilized, the Mason Creek water will be pumped and delivered to the Downs' property in a PVC pipeline lying parallel to the Teanaway Road. The pump station for all three sources of water is currently on the south side of Teanaway Road, while the Downs' property is on the north side of the Teanaway Road. The Mason Creek POD is being moved upstream to the north side of the Teanaway Road to a point within the Kittitas County Road right-of-way so that it is easier to access by the Downs. The Musser Creek POD is being moved to the north side of the Teanaway Road so that the POD is on the Downs' property. These changes are part of a larger project being completed with the help of the Kittitas County Conservation District (KCCD) to provide fish screening, fish passage and improved water use efficiency on the Teanaway River and its tributaries. (See vicinity maps attached as Exhibit A.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: April 8, 2013	COMPLETE PROJECT BY THIS DATE: November 30, 2013	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: September 15, 2014
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REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On July 19, 2011 Milton F. & Geraldine Downs of Cle Elum, WA filed an application for change of point of diversion under Court Claim No 00777. The application was accepted at an open public meeting on July 19, 2011, and the board assigned application number Kitt-11-06. Public Notice was posted in the Daily Record on October 4 and 11, 2011. However, the Downs delayed the application while they worked out easement issues and obtained a County Franchise Agreement (see Exhibit G) to locate the Mason Creek diversion on the Kittitas County Road right-of-way before they completed the POD change process. On November 14, 2012 an amended application was filed with KCWCB and Public Notice was posted again in the Daily Record on December 3 and 10, 2012 (see Exhibit I).

Attributes of the water right as currently documented

Name on certificate, claim, permit: Milton F. Downs & Geraldine Downs

Water right document number: Court Claim No 00777 (Certificate No. S4-83701-J)

As modified by certificate of change number: KCWCB 01-09

Priority date, first use: June 30, 1884

Water quantities: Qi: 0.16 (when surplus water is available in excess of that needed to satisfy all existing rights, and additional 0.16 cfs may be diverted) Qa: 52 acre ft./ year

Source: Teanaway River, Mason Creek, Musser Creek

Teanaway River: Point of diversion/withdrawal: located within 150 ft north and 800 ft west from the southeast corner of Section 10, being within the SE1/4 SE1/4 of Section 10, T. 20 N., R. 16 E.W.M.

Mason Creek: 10 ft west and 10 ft south of the east quarter corner of Section 14, being within the NE1/4 SE1/4 of Section 14, T. 20 N., R. 16 E.W.M.

Musser Creek: approximately 1,300 feet SW of NE corner of Section 13, being within the NE1/4 SW1/4 of Section 13, T.20N., R.16E.W.M.

Purpose of use: Irrigation of 8 acres & stockwater

Period of use: May 1 through September 15

Place of use: That portion of the NE1/4 SW1/4 of Section 13, T. 20 N., R. 16 E.W.M., described as follows: Commencing at the west quarter corner of said section; thence east 1050 feet, more or less, to the east right of way of the Teanaway Road and the point of beginning; thence east 500 feet; thence S 35° E 1500 feet; thence S 20° W 300 feet to the east right of way of said road; thence northwest along said right of way 2000 feet, more or less, to the point of beginning.

Existing provisions: When surplus water is available in excess of that needed to satisfy all existing rights, and additional 0.16 cfs may be diverted.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

The Downs property historically received water delivered via the 3M Ditch from the Teanaway River, Mason Creek and Musser Creek. The 3M Ditch is currently a 1.6 mile long open dirt delivery ditch that delivers water to six different properties. Historically the 3M ditch went several miles further to a point where it intersected with Mack Creek. The 3M Ditch down gradient from the Downs' current Musser Creek pumping station was abandoned a number of years ago. The 3M Ditch intersects with Mason and Musser Creeks and carries the Downs' creek water to two (2) pump stations near their property on the south side of Teanaway Road. The property is irrigated with handlines, wheellines and solid set sprinklers to produce hay and pasture.

The water rights owned by the Downs were originally confirmed in *Ecology v. Amosso*, a general adjudication of water rights from the Teanaway River that was completed in 1921. When *Acquavella* was commenced in 1977, it again included the Teanaway River and its tributaries. The Teanaway River was in Subbasin 3 and a Conditional Final Order approving the Downs water rights was entered on February 8, 2001. The water right as confirmed in the Conditional Final Order is as set forth on Exhibit J. After the Conditional Final Order was entered, the Downs sought to change the point of diversion of just the Musser Creek right and thus applied to the Kittitas County Water Conservancy Board (KCWCB 01-09). The change in the point of diversion was approved and a copy of the Report of Examination is attached hereto as Exhibit C.

The water continued to be diverted from the Teanaway River and conveyed through the 3M Ditch, which intercepted Mason and Musser Creeks. The flows in Mason and Musser creeks were captured in the ditch and conveyed to the Downs' pumping station at the intersection of the 3-M Ditch and Musser Creek and then was used by the Downs to irrigate their 8-acre place of use until approximately 2009 when a flood occurred that severely damaged the diversion where the 3M Ditch diverts water from the Teanaway River. Since then there has been an ongoing effort coordinated through the Kittitas County Conservation District (KCCD) office to move all of the diversions of Teanaway River water associated with the 3M Ditch to alternate diversion points. The ultimate goal is to completely abandon the 3M Ditch so that it is no longer used. As mentioned above, the 3M Ditch used to traverse several miles to the intersection of Mack Creek. The users downstream of the Downs' point of diversion at the intersection of Musser Creek and the 3M Ditch ceased using the 3M Ditch a number of years ago and instead opted to begin withdrawing their water directly from the Teanaway River through a variety of different diversion points. As such, at the present time the 3M Ditch theoretically ends at the intersection of Musser Creek and Mason Creek.

Since 2009, the Downs have withdrawn water from Mason and Musser Creeks to irrigate the 8 acres.

The irrigation water was put to full beneficial use in 2010 through a lease to the Washington Water Trust. The water was trusted to the Trust Water Rights Program for instream flows as indicated in Order Pendente Lite: Lease of Downs Water Rights for Instream Flow document #77-2-01484-5 signed May 5, 2010 (Exhibit D).

Previous changes

KCWCB 01-09 – changed the POD for the Musser Ck diversion.

SEPA

The board has reviewed the proposed project in its entirety. This project is exempt from SEPA because it is only changing the point of diversion and it is under the cfs threshold. There is an existing Programmatic Exemption held by WDFW for pump fish screens.

Other

N/A

The information or conclusions in this section were authored and/or developed by Mark Crowley.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the Daily Record on October 4 and October 11, 2011. Protest period ended on November 10, 2011. Public notice of the application was also given in the Daily Record on December 3 and December 10, 2012. Protest period ended on January 9, 2013.

There were two protests / comment letters received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Comment / Protest Letter #1:

Date: January 2, 2013

This was recognized by the board as a ☐ Protest ☒ Comment

Name/address of protestor/commenter: Micheal Carollo, 4980 Teanaway Rd, Cle Elum, WA 98922

Issue: Mr. Carollo's letter is attached as Exhibit E. Mr. Carollo is concerned about the location of the Downs' Teanaway River diversion. If the diversion is used the water will be need to be delivered via the 3M ditch located on the Carollo property. The other four 3M Ditch users have moved their POD to other locations making it almost impossible for the Downs' water to reach their property if they were to use the 3M Ditch. Mr. Carollo would like to permanently close the 3M Ditch on his property. (Exhibit E)

Board's analysis: Mr. Carollo's concerns are addressed in the Description of Proposed work on pages 2 and 3 of this ROE. Even though the 3M Ditch is being deactivated and the Downs do not currently have access to the Teanaway River they may pursue an easement from a neighboring property in order gain access at a later date and will apply for a POD change for the Teanaway diversion at that time. The Board agrees that it is in the Downs' best interest to not use the current Teanaway River diversion in the future and believes the Downs will not attempt to use the diversion in the future. The Downs also recognize that the long range goal is to abandon and eliminate the 3M Ditch. *Other*

N/A

Comment / Protest Letter # 2:

Date: January 9, 2013

This was recognized by the board as a ☒ Protest ☐ Comment

Continued

Name/address of protestor/commenter: Laura Clark, Manager, Niese Family LLC, Singing Pines Ranch, 3920 Teanaway Rd, Cle Elum, WA 98922

Issue: See attached Letter of Protest from Niese Family LLC (Exhibit F)

Board's analysis:

Before the public meeting and presentation of the application to the Board in this matter, the applicant and the Niese Family, LLC met and resolved the protest through a written Settlement Agreement, a copy of which is attached hereto as Exhibit L. The agreed resolution of the protest is an accommodation amongst neighbors to resolve concerns with the impact of the proposed change in point of diversion on the Niese Family LLC property and adjoining properties. The Board appreciates this proactive approach to resolution of concerns relating to this transfer.

Other

N/A

The information or conclusions in this section were authored and/or developed by Mark Crowley.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Gregg Hall on September 16, 2011, research of department records, aerial photos and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

In January 2009 there was major flood in the Teanaway watershed that did significant damage to private property and infrastructure in the area. In the area of the diversion location for the 3M Ditch the Teanaway River eroded a lot of bank and dropped several feet making the ability to divert water for irrigation in the spring virtually impossible without a significant amount of instream work. The Kittitas County Conservation District was contacted for technical and financial assistance to the 3M Ditch irrigators.

The Kittitas County Conservation District is working with the irrigators on the 3M Ditch to eliminate the last known push up dam diversion on the mainstem Teanaway River. The push dam often creates a fish passage barrier in the low flows late in the irrigation season. The project will move each irrigator's point of diversion to their property eliminating the need to use the ditch to convey water to the properties thereby allowing that conveyance water to stay in the river.

The Downs do not currently have access to the Teanaway River therefore with the abandonment of the 3M Ditch they will not be able to access Teanaway River water for irrigation. Downs are retaining the Teanaway River POD so that in the future if access can be attained they will be able to use Teanaway River water.

The Mason Creek diversion is being moved upstream approximately 670 feet to the north side of the Teanaway Road in the County's right-of-way for easier access to the new pump station needed to deliver Mason Creek water to the Downs property. The Mason Creek pump station will deliver water to the Downs property via a PVC pipe. A franchise agreement has been entered into with Kittitas County to have the pump station and pipeline in the County right-of-way. From the pump station the water will be conveyed by a pipeline across the Scott property through an easement with the Scott family (Exhibit H) prior to entering the Downs' property.

The Musser Creek diversion will also be moved upstream and across the Teanaway Road approximately 350 feet in order to have the diversion on the Downs own property.

There are no other diverters between the old diversion locations and the new diversion locations on either Mason or Musser Creeks. The Downs' priority date for their water right is 1884. The Downs own the highest priority date water right on Mason Creek and Musser Creek. There will be no adverse affect to a third party. The nearest water right with a higher priority date is at least 3.5 miles downstream.

All new pump diversions will be installed with appropriate fish screens that meet NOAA fish screening criteria and with measuring devices.

Other water rights appurtenant to the property (if applicable)

There are no other water rights appurtenant to the Downs property.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. N/A

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient

cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board reviewed air photos of the place of use taken in 2009, 2006 and 2012 (see Exhibit A). In addition, the Board reviewed the Order Pendente Lite (see Exhibit D) entered in *Acquavella* on May 11, 2010. The Board concludes that no portion of the right has been relinquished due to non-use and the entire right is available for transfer under RCW 90.03.380. The Board's tentative determination was based upon the following findings: A site visit, aerial photos, Order Pendente Lite and irrigator testimony indicates that the water has been used to the full extent of the water right.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Based on this change in Point of Diversion application, the Board determined it did not need any geologic, hydrogeologic or other scientific investigation.

Other

Not applicable.

The information or conclusions in this section were authored and/or developed by Mark Crowley.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

The water right has been used to the extent of 0.16 cfs (0.32 cfs when available) and 52 acre feet as indicated by testimony, aerial photos, Order Pendente Lite and site visit.

Relinquishment or abandonment concerns

Based on the evidence presented, the Board has concluded that no portion of the water rights has been relinquished under Chapter 90.14 RCW, nor has any portion of the water right been abandoned.

Hydraulic analysis

There was no hydraulic analysis that was necessary.

Consideration of comments and protests

There were two comments and protests.

See above discussion of those comments and protests.

Impairment

The possibility of impairment exists if, because of the upstream transfer, the Downs are able to irrigate at times they would normally not be able to irrigate at the confirmed point of diversion. This would in effect be an expansion of the water right and could result in an impairment of other water users within the Teanaway River and/or the Yakima River. In order to eliminate the possibility of that impairment, the Board deems it appropriate to attach a condition to the water right transfer that provides that the water may not be diverted at the new diversion points on Mason Creek and/or Musser Creek in the event the water is not available at the historic confirmed points of diversion on Mason Creek and/or Musser Creek.

Public Interest

Project is not detrimental to public interest.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. N/A

DECISION [See WAC 173-153-130(6)(e)]

The Kittitas County Water Conservancy Board is in full agreement that the POD change will not harm any other irrigators and is environmentally beneficial.

The information or conclusions in this section were authored and/or developed by Mark Crowley.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

The water authorized to be diverted at the new point of diversion may not be diverted at the new point of diversion if the water is not available for diversion from Mason Creek and/or Musser Creek at the old points of diversion on Mason Creek and/or Musser Creek.

Mitigation (if applicable)

None

Construction Schedule

The construction will begin as soon as POD is approved and weather permits (~ March 1, 2013) and should be completed by November 2013.

Other

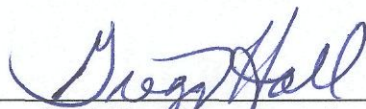
- 1) Fish Screening
 - a. The Teanaway River, Mason Creek and Musser Creek intakes shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria.
- 2) Water Metering
 - a) An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.
 - b) Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and annual total volume shall be submitted to Ecology by January 31st of the following year.
 - c) Department of Ecology personnel, upon presentation of proper credentials, must have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
 - d) Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Ecology Central Regional Office in Yakima. If you do not have Internet access, you can still submit hard copies by contacting the Region Office for forms to submit your water use data.

The information or conclusions in this section were authored and/or developed by Mark Crowley.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Ellensburg, Washington

This 19th day of ~~February~~, 2013
MARCH



Gregg Hall, Board Representative
Kittitas County Water Conservancy Board

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